IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 13717 of 2005

Between:

Abdul Aziz, S/o. Late Mohammed Abdul Raheem
R/o. H.No. 21-6-609, Ghansi Bazar, Hyderabad, Abdul Aziz.

..... PETITIONER

AND

1.The Appellate Tribunal for Foreign Exchange, Janpath Bhawan, 4th Floor, B Wing, New Delhi.
2.The Adjudicating Officer, O/o the Addl. Commissioner of I.T. (Company Range), New Block No. 121, Nungambakkam High Road, Chennai.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ particularly in the nature of Certiorari, order or direction, to dispense with the petitioner from depositing the penalty amount by setting aside the order dt. 9-3-05 in Appeal No. 940 of 2004 on the file of the Respondent No.1 and all consequential reliefs thereof and pass such other order or orders in the facts and circumstances of the case.

Counsel for the Petitioner: Mr. M.M.FIRDOS

Counsel for the Respondents: Mr.A.Rajasekhar Reddy

(Asst. Solicitor General)

The Court made the following :

ORAL ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

The petitioner has filed an appeal before the Appellate Tribunal for Foreign Exchange in terms of Section 52 of the Foreign Exchange and Regulation Act, 1973 and he was supposed to deposit the penalty amount. Proviso, however, provides that the appellate authority may entertain an appeal and dispense with the deposit either conditionally or subject to conditions. The petitioner has represented before the appellate authority that he would not be able to pay the amount of penalty of Rs.5.00 lakhs and the Tribunal in its discretion has accepted the contentions of the petitioner and permitted him to make payment of only 10% of the amount of penalty. We do not find that the discretion has been exercised wrongly or illegally. The order does not require any interference.

The Writ Petition is, therefore, dismissed.

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BILAL NAZKI, ACJ.

28.6.2005

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G.CHANDRAIAH, J.

VR

To

1.The Appellate Tribunal for Foreign Exchange, Janpath Bhawan, 4th Floor, B

Wing, New Delhi.
2.The Adjudicating Officer, O/o the Addl. Commissioner of I.T. (Company Range), New Block No. 121, Nungambakkam High Road, Chennai.

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